

10-18-01

4

JC682 U.S. PTO
10/16/01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of
Burbank et al.

For: **TISSUE ACQUISITION SYSTEM
AND METHOD OF USE**

Serial No.: Not Assigned

Filed: October 16, 2001

Atty. Docket No.: 9619-1031

) Examiner: Not Assigned
)
) Group Art Unit: Not Assigned
)
) Customer No.: 23422
)

**REQUEST FOR FILING A DIVISIONAL
APPLICATION UNDER 37 CFR §1.53(b)**

JC986 U.S. PTO
09/981525
10/16/01

Express Mail Label No. EL 730230148 US
Mailed on October 16, 2001

EL 730230148US

BOX PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/196,125, filed November 20, 1998, which is a continuation-in-part of application Serial No. 09/057,303, filed April 8, 1998, of Fred Burbank, Paul Lubock, Michael L. Jones, and Martin V. Shabaz, for **TISSUE ACQUISITION SYSTEM AND METHOD OF USE**, which is incorporated herein in its entirety.

1. Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):
/X/ the same as those named in the prior application.

09/981525

☐ less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. ☒ The filing fees are to be calculated on the claims as filed in the prior application and the claims remaining as a result of the:
- ☐ amendment below;
- ☒ attached Preliminary Amendment.

Description	Fee Code	Claims	Extra	Rate	Fee
Basic Filing Fee	201				\$370
Independent Claims	202	3 – 3 =	0 x	\$42=	0
Total Claims	203	19 – 20 =	0 x	\$9 =	\$ 0

Total Fees Due\$370

4. Payment of Filing Fees:

☒ Enclosed is a check in the amount of \$370.

☒ The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 13-0201, referencing Docket No. 09619-1031. **A duplicate copy of this paper is attached.**

5. Please amend the specification by inserting before the first line after the words "This is a" -- divisional of pending prior application Serial No. 09/196,125, filed November 20, 1998, which is a --.

6. The prior application is assigned of record to: SenoRx, Inc.

7. The power of attorney in the prior application is to: **Edward J. Lynch.**

☐ The power appears in the original papers in the prior application.

☒ An Associate Power of Attorney and Change of Correspondence Address was filed September 10, 2001.

8. Please address all future correspondence to:

Edward J. Lynch
Coudert Brothers LLP
600 Beach Street, 3rd Floor
San Francisco, CA 94109-1312

9. Documents enclosed:

- /X/ Copy of prior complete application as filed (including the signed Declaration and Power of Attorney);
- /X/ Copy of Power of Attorney and Revocation of Prior Powers filed 5/19/00.
- /X/ Copy of Associate Power of Attorney and Change of Correspondence Address filed 9/10/01.
- /X/ Preliminary Amendment and Information Disclosure Statement;
- /X/ Form PTO-1449; copies of 2 cited references;
- /X/ Return Receipt Postcard.

Respectfully submitted,

By: 

Edward J. Lynch

Registration No. 24,422

Coudert Brothers LLP
600 Beach Street, 3rd Floor
San Francisco, CA 94109-1312
Telephone: (415) 409-2900
Facsimile: (415) 409-7400

PALOALTO 4015089v1